

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROGER L. LYLES,

Plaintiff,

Case No. 1:10-cv-528

v.

Honorable Paul L. Maloney

DELORES CROSBY et al.,

Defendants.

ORDER DENYING LEAVE TO PROCEED
IN FORMA PAUPERIS ON APPEAL

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983.

On June 10, 2010, the Court entered an order (docket #14) denying Plaintiff leave to proceed *in forma pauperis* because he has “three strikes” within the meaning of 28 U.S.C. § 1915(g). The Court ordered Plaintiff to pay the \$350.00 civil action filing fee or his action would be dismissed without prejudice. Plaintiff paid the \$350.00 filing fee on July 12, 2010. On August 26, 2010, the Court entered an opinion, order and judgment dismissing Plaintiff’s action (docket ##31-33).

Plaintiff has now filed a notice of appeal. Because Plaintiff is prohibited from proceeding *in forma pauperis* on appeal by 28 U.S.C. § 1915(g), Plaintiff must pay the \$455.00 appellate filing fee in a lump sum. Plaintiff, however, has failed to submit the \$455.00 filing fee. As outlined in the Court’s memorandum opinion and order denying him pauper status based on § 1915(g), Plaintiff is barred from proceeding *in forma pauperis* on this appeal. Plaintiff has twenty-

eight (28) days from the date of entry of this order to pay the entire filing fee for appealing a civil action, which is \$455.00, to the Clerk of this Court. Plaintiff's failure to comply with this order may result in dismissal of this appeal without prejudice by the Sixth Circuit Court of Appeals.

Dated: November 10, 2010

/s/ Paul L. Maloney

Paul L. Maloney

Chief United States District Judge

SEND REMITTANCES TO THE FOLLOWING ADDRESS:

Clerk, U.S. District Court

399 Federal Building

110 Michigan Street, NW

Grand Rapids, MI 49503

All checks or other forms of payment shall be payable to "Clerk, U.S. District Court."